108TH CONGRESS 1ST SESSION

H. R. 2766

To direct the Secretary of Agriculture to exchange certain lands in the Arapaho and Roosevelt National Forests in the State of Colorado.

IN THE HOUSE OF REPRESENTATIVES

July 17, 2003

Mr. Beauprez (for himself, Mr. Udall of Colorado, and Mr. Tancredo) introduced the following bill; which was referred to the Committee on Resources

A BILL

To direct the Secretary of Agriculture to exchange certain lands in the Arapaho and Roosevelt National Forests in the State of Colorado.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 SECTION 1. SHORT TITLE.
- 4 This Act may be cited as the "Arapaho and Roosevelt
- 5 National Forests Land Exchange Act of 2003".
- 6 SEC. 2. FINDINGS.
- 7 The Congress finds the following:
- 8 (1) Certain National Forest System lands near
- 9 Empire, Colorado, are needed by the city of Golden,

- Colorado, to facilitate the construction of a water pipeline to transport domestic water supplies into storage for the city and its residents.
 - (2) Such National Forest System lands, comprising approximately 9.84 acres in total, are of limited utility for public administration or recreation and other use by virtue of their largely steep terrain, irregular boundary, and lack of easy public access.
 - (3) The city of Golden owns, or has an option to purchase, several parcels of non-Federal land comprising a total of approximately 141 acres near Evergreen and Argentine Pass, Colorado, which it is willing to convey to the United States for addition to the Arapaho and Roosevelt National Forests.
 - (4) The non-Federal lands owned or optioned by the city of Golden, if conveyed to the United States, will eliminate inholdings in the National Forest System, result in administrative cost savings to the United States by reducing costs of forest boundary administration, and provide the United States with environmental and public recreational use benefits (including enhanced Federal land ownership along the Continental Divide National Scenic Trail) that greatly exceed the benefits of the Federal land the United States will convey in exchange.

- 1 (5) It is in the public interest to authorize, di-2 rect, expedite, and facilitate completion of a land ex-3 change involving these Federal and non-Federal lands to assist the city of Golden in providing addi-5 tional water to its residents and to acquire valuable 6 non-Federal lands for permanent public use and en-7 joyment. 8 SEC. 3. LAND EXCHANGE, ARAPAHO AND ROOSEVELT NA-9 TIONAL FORESTS, COLORADO. 10 (a) Conveyance by the City of Golden.—The land exchange directed by this section shall proceed if, within 30 days after the date of the enactment of this Act, 12 the city of Golden, Colorado (in the section referred to as the "City"), offers to convey title acceptable to the 14 15 United States to the following non-Federal lands: 16
- 16 (1) Certain lands located near the community 17 of Evergreen in Park County, Colorado, comprising 18 approximately 80 acres, as generally depicted on a 19 map entitled "Non-Federal Lands—Cub Creek Par-20 cel", dated June, 2003.
- 21 (2) The surface estate of certain lands located 22 near Argentine Pass, in Clear Creek and Summit 23 Counties, Colorado, comprising approximately 24 60.909 acres in 15 patented mining claims, as gen-

- 1 erally depicted on a map entitled "Argentine Pass/
- 2 Continental Divide Trail Lands", dated June 2003.
- 3 (b) Conveyance by United States.—Upon re-
- 4 ceipt of acceptable title to the non-Federal lands identified
- 5 in subsection (a), the Secretary of Agriculture shall simul-
- 6 taneously convey to the City all right, title and interest
- 7 of the United States in and to certain Federal lands, com-
- 8 prising approximately 9.84 acres, as generally depicted on
- 9 a map entitled "Empire Federal Lands—Parcel 12",

(1) Appraisal.—The values of the Federal

10 dated June 2003.

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(c) Equal Value Exchange.—

- 13 lands identified in subsection (b) and the non-Fed-14 eral lands identified in subsection (a)(1) shall be de-15 termined by the Secretary through appraisals per-16 formed in accordance with the Uniform Appraisal 17 Standards for Federal Land Acquisitions (December 18 20, 2000) and the Uniform Standards of Profes-19 sional Appraisal Practice. Except as provided in 20 paragraph (3), the conveyance of the surface estates 21 of the non-Federal lands identified in subsection 22 (a)(2) shall be considered as a donation for all pur-
- 24 (2) SURPLUS OF NON-FEDERAL VALUE.—If the 25 final appraised value, as approved by the Secretary,

poses of law.

- of the non-Federal lands identified in subsection
 (a)(1) exceeds the final appraised value, as approved
 by the Secretary, of the Federal land identified in
 subsection (b), the values may be equalized—
 - (A) by reducing the acreage of the non-Federal lands identified in subsection (a)(1) to be conveyed, as determined appropriate and acceptable by the Secretary and the City;
 - (B) the making of a cash equalization payment to the City; including a cash equalization payment in excess of the amount authorized by section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or
 - (C) a combination of acreage reduction and cash equalization.
 - (3) Surplus of federal value.—If the final appraised value, as approved by the Secretary, of the Federal land identified in subsection (b) exceeds the final appraised value, as approved by the Secretary, of the non-Federal lands identified in subsection (a)(1), the values shall be equalized by the Secretary preparing a statement of value for the non-Federal lands identified in subsection (a)(2) and utilizing such value to the extent necessary to equalize value.

- 1 If the Secretary declines to accept the non-Federal
- 2 lands identified in subsection (a)(2) for any reason,
- 3 the City shall make a cash equalization payment to
- 4 the Secretary as necessary to equalize the values of
- 5 the Federal land and the non-Federal lands identi-
- 6 fied in subsection (a)(1).
- 7 (d) Exchange Costs.—To expedite the land ex-
- 8 change under this section and save administrative costs
- 9 to the United States, the City shall be required to pay
- 10 for—
- 11 (1) any necessary land surveys; and
- 12 (2) the costs of the appraisals, which shall be
- performed in accordance with Forest Service policy
- on approval of the appraiser and the issuance of ap-
- praisal instructions.
- 16 (e) Timing and Interim Authorization.—It is the
- 17 intent of Congress that the land exchange directed by this
- 18 Act should be completed no later than 120 days after the
- 19 date of the enactment of this Act. Pending completion of
- 20 the land exchange, the City is hereby authorized to con-
- 21 struct a water pipeline on the existing course of the
- 22 Lindstrom ditch through the Federal land identified in
- 23 subsection (b) without further action by the Secretary, if
- 24 such construction has not been authorized by the Sec-
- 25 retary. Such encumbrance on the Federal land prior to

- 1 conveyance shall not be considered for purposes of the ap-
- 2 praisal.
- 3 (f) ALTERNATIVE SALE AUTHORITY.—If the land ex-
- 4 change is not completed for any reason, the Secretary is
- 5 hereby authorized and directed to sell the Federal land
- 6 identified in subsection (b) to the City at its final ap-
- 7 praised value, as approved by the Secretary. Any money
- 8 received by the United States in such sale shall be consid-
- 9 ered money received and deposited pursuant to Public
- 10 Law 90–171 (16 U.S.C. 484(a)); commonly known as the
- 11 "Sisk Act", and may be used, without further appropria-
- 12 tion, for the acquisition of lands for addition to the Na-
- 13 tional Forest System in the State of Colorado.
- 14 (g) Incorporation, Management, and Status of
- 15 ACQUIRED LANDS.—Land acquired by the United States
- 16 under the land exchange shall become part of the Arapaho
- 17 and Roosevelt National Forests, and the exterior boundary
- 18 of such forest is hereby modified, without further action
- 19 by the Secretary, as necessary to incorporate the non-Fed-
- 20 eral lands identified in subsection (a)(1) and an additional
- 21 40 acres as depicted on a map entitled "Arapahoe and
- 22 Roosevelt National Forest Boundary Adjustment—Cub
- 23 Creek", dated June 2003. Upon their acquisition, lands
- 24 or interests in land acquired under the authority of this
- 25 Act shall be administered in accordance with the laws,

- 1 rules and regulations generally applicable to the National
- 2 Forest System. For purposes of Section 7 of the Land
- 3 and Water Conservation Fund Act of 1965 (16 U.S.C.
- 4 460l-9), the boundaries of the Arapaho and Roosevelt Na-
- 5 tional Forests, as adjusted by this subsection shall be
- 6 deemed to be the boundaries of such forest as of January
- 7 1, 1965.
- 8 (h) TECHNICAL CORRECTIONS.—The Secretary, with
- 9 the agreement of the City, may make technical corrections
- 10 or correct clerical errors in the maps referred to in this
- 11 section or adjust the boundaries of the Federal lands to
- 12 leave the United States with a manageable post-exchange
- 13 or sale boundary. In the event of any discrepancy between
- 14 a map, acreage estimate, or legal description, the map
- 15 shall prevail unless the Secretary and the City agree other-
- 16 wise.
- 17 (i) REVOCATION OF ORDERS AND WITHDRAWAL.—
- 18 Any public orders withdrawing any of the Federal lands
- 19 identified in subsection (b) from appropriation or disposal
- 20 under the public land laws are hereby revoked to the ex-
- 21 tent necessary to permit disposal of the Federal lands.
- 22 Upon the enactment of this Act, if not already withdrawn
- 23 or segregated from the entry and appropriation under the
- 24 public land laws, including the mining and mineral leasing
- 25 laws and the Geothermal Steam Act of 1970 (30 U.S.C.

- 1 1001 et. seq.), the Federal lands are hereby withdrawn
- 2 until the date of their conveyance to the City.

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